G. R. S. IX-5]

Previous references. 1894.

~~191~~ .

(Pdg)

Later references.

File No. 2

Serial Nos. 5-13.

20

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5-13

In ~~Part~~ **B for** July 18.

SUBJECT.

Rules for the escort of prisoners to & from the Court-

Consideration

Issued

W D 88—GPB—50,000—24-7-16

(10)

Subd to Secty

Out of the 5 prisoners named in the list submitted by the Inspr General of Prisons, the first 3 have to appear before the Sessns Court for trial and the last two to give evidence.

U/S No 4

Govt Notifn No 18928/2 1175 dated 23d April 1895 prescribes that no Court shall compel the removal of certain classes of prisoners for the purpose of obtaining their evidence. Special sanction of Govt would therefore seem necessary for the production of the last two persons on the list before the Court for giving evidence. As regards the others who have to undergo their trial, such sanction does not seem necessary.

A draft order is subd.

Subd 2-5-98

2/5/98

The Regulation deals with attendance of convicts not only for giving testimony but also for answering a charge (vide section 2 and schedule).

A- and B) Section 8 does not contemplate an exemption irrespective of the purpose for which attendance is required - The order of Govt (Serial No 4) has however restricted the exemption to the purpose mentioned in Schedule A. with great deference I submit that this is not quite in accordance with Section 8 -

However that may be it is not clear why the Dy C has acted for exemption as regards Prisoner No 3 - He does not belong to Class (a) 4 (b) - Perhaps he belongs to Class (C) Etc this is not clearly stated in the Dy C's letter. I believe he was the person that attacked Mr Hudson -

As the Notification (Serial No 4) stands no sanction in the case of Prisoners 1 & 3 seems necessary - As regards ~~Govt for person~~ Prisoner 2 whom I doubt whether the III sanction removal remains in the Govt after the fine or an order of exemption so long as it remains in force -

C

9-5-98

5

Note

The sentence of death passed on Poojari Linga has not yet been confirmed; and is not likely to be confirmed before the date of hearing in the Sessions Court (9th to 10th June) as the Chief Court re-opens only on the 18th July next. Accordingly, this prisoner may also be produced in Court, according to the explanation contained in para 3 of the Proc. of 10-5-90 (Pl no 11).

The original correspondence which led to the framing of the notifn of 23-4-95 (Pl no 4) has been obtained from the I.G. of Pris. Office & is put up.

It shows that suggestions were invited by the I.G. of Prisons generally with reference to the "persons or classes of persons whose removal from Jail the Supt. or Officers in charge of Jails may consider undesirable."

The opinions received also relate to removals of prisoners for all purposes; except that of the District Magistrate of Bangalore, who alone referred to removals for the purpose of giving evidence.

The remarks contained in the I.G's letter to Govt no 710 d/15-6-95 (Pl no 2) applies also to removals from through the draft notifn sent therein

estricted the scope of the exemption.
For the Madras Rules please see p-969 of Madras manual, Rule 5-30 (17).

In view of the fact that Prof [illegible] of 10-5-30 materially [illegible] the wording of the notification in question it would perhaps be desirable to revise and re-issue the latter.

Subs to Sec?

26/5/98.

Noted subject to Sec's

26/5/98

26/5/98

Y

ong State Prisoners, and Prisoners under Sentence of death have been exempted & this exemption extends for all purposes except for purposes of section 428 of the Code of Cr. P. I think we may - Under Recent arrangements one class of Prisoners viz (b), can't be entitled Class (a) requires to be qualified. Advantage may therefore be taken to make this limited exemption General & to add "without the sanction of Govt" as in "Madras". Also to exempt the attendance of exempted Prisoners for purposes of section 428 Cr P C

I think we may adopt the Madras Rules ref with slight modifications. The Govt Prisoners may be committed. and ask to submit a new draft for the consideration & approval

26/5/98.

Write
Please
Secretary copies,
I want one for

1393

7

(General Serial No. 30).

9544

29-4-98

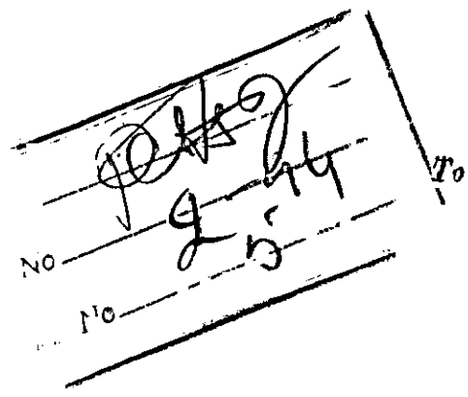
1898

From

The ~~Registrar to the~~

Inspector General of
Prisons in Mysore.

(9)



To

The ~~Chief~~ Secretary
to the ~~Dewan~~ of Mysore.
Govt
Genl & Revenue Depts

Dated 26th April 1898

Despatched

Received in J. Branch 29.4.98

Enclosures No.

General No. 723
J. 9

Forwards a list of prisoners and requests that sanction of Government may be obtained for producing them before the Sessions Court Nandidroog Division on the 9th and 10th June 1898.

29/4/98
Subt with J.7 No. 20 of 1894-95
3/5/98.

Central Jail Press, Bangalore.—26-4-94.—500.

7

No. 723/7 Bangalore 26th April 1898.

(9)

From

The Inspector General of Prisons

in Mysore

To

The Secretary to the Government of Mysore

General and Revenue Department

Sir,

In forwarding herewith a list of prisoners required to be sent to the Court of Sessions, Kandy Division, as accused persons and witnesses in the case of attempt at murder on the Chief Warder Mr. Hutson. I have the honor to request that as the prisoners belong to the — classes who are exempted from being sent to Courts as ordered in Government Proceedings — No. 1892 X / 1175 dated 23rd April 1895, Sanction of Government may be obtained for producing —

X S. No. 4

them

them before the Sessions Court, Gandidroog.

Division, on the 9th and 10th June 1898.

I have the honor to be,

Sir,

Your most Obedient Servant,

Surgeon Lt Colonel

Inspector General of Prisons

J.R.P.G.

List showing the prisoners who come under either classes a, b, or c of Government Notification No. 18728/J 1175 dated 23rd April '895, who are to be sent to court of Sessions on the 9th and 10th June 1898.

No.	Register No.	Name	Nature of Sentence	Purpose for which they are to be, or were sent to court	Remarks
		Prisoners to be sent to Sessions Court on 9th and 10th June 1898			
1	1403	Venkatramana	Transportation for life	To stand trial as 2nd accused	In the case of attempt at murder on the Chief Warder
2	7651	Esa ———	——— do ———	Do ——— Do ——— as 3rd ——— do ———	
3	3588	Muthia ———	2 Years rigorous (Habitual)	Do ——— Do ——— as 1st ——— do ———	
4	5263	Koojari Linga	Sentenced to Death	To give evidence	
5	746	Runga ———	Transportation for life	——— do ———	

Bangalore
Dated 26th April 1898

Surgeon Lt. Colonel
Inspector General of Prisons

14693-94
J 1571

(11)

Read

Letter No. 723/9 dated 26th April 1898 from the Asstt Gaol of Prisons requesting the sanction of Govt to the production before the Sessns Court Nandidroog Divn on the 9th and 10th June 1898 of the prisoners named in the margin as accused persons and witnesses in the case of attempt at murder on the Chief Warder Mr Hutson, the said prisoners being of the classes exempted ~~from~~ under Govt Notfn No. 19928/J 1175 d: 23 April 1895.

Reg. No. 1403 Venkatramana
" 9651 Era
" 3588 Mutha
" 5263 Payarilinga
" 746 Ranga

No
al No

Order :—

The permission solicited is granted in regard to the last two of the prisoners named above, who have to be produced before the Sessns Court for the purpose of giving evidence.

The production of prisoners Venkatramana, Era and Muthya (Nos 1403, 9651 & 3588) for trial is not governed by the Notfn of 23d April 1895. It should be carried out under the general provisions of the Regulation (No V of 1894).

2. Clause (b) of para 1 of the Notification does not apply to prisoners under

Secty

To The Asstt Gaol of Prisons
in Mysore
" " Sessns Judge, Nundidroog
for info.

sentence of transportation and
for whom deportation to
Andamans arrangements
have been made under
ss. 752 to 769 of the Burma Jail
Manual - It does not apply
to prisoners who, though sentenced
to transportation, are not deported to the Andamans but are
kept in
Burma and treated as
persons sentenced to imprisonment -
In this case the exemption does not apply
to persons like Nga W 746, who
may be produced before the
Court (Supreme Court) before this Order.

3. Clause (a) of para 1 of the Notification
applies to persons under sentence
of death and for whose execution
a warrant or order has been
issued after commutation of the sentence
of death and who is (pending
execution) kept under very close
custody and surveillance under ss 139 & 145 of the Jail Manual,
whose production in Court when
ordered may be deemed impedient -
The Govt is requested to report whether
the sentence of death passed on Nga
Ba Kaing has been confirmed by the
Chief Ct and an order for execution
has been passed & if so what date
is fixed for carrying out the sentence

8947 GPL
9.5.24

attended to
per the
of the
Rule
for
10/5/24

(12)

To,

The Inspector General
of Prisons in Mysore.

Dated 13th May 1898.
No. 1489/1526

Has the honor to request that the I. General will be so good as to forward for reference, the original correspondence between him & the Deputy Commrs. &c., which led to the framing of rules under Section 8 of Regulation No 5 ⊛ of 1894 and the issue of Govt. Notification No 18928 of 23rd April 95, promulgating the Kandyan

B.O.
12/5/98
In Secy:

⊛ A Regulation to provide facilities for obtaining the evidence and appearance of persons and for service of process upon them.

Rules

J 1459

13

OFFICE OF THE
10234
19/5/98
MANGALORE

(General Serial No. 30)

1898

From

The ~~Registrar to the~~

Inspector General of
Prisons in Mysore.

To

The ~~Chief~~ Secretary
to the ~~Dewan~~ of Mysore.
Govtt
General & Revenue Departments

Dated 18th May 1898

Despatched

Received 19 —

Enclosures No.

General No. 794
J. F

Forwards in original correspondence re rules framed under Section 8 of the Regulation No V of 1894 as requested.

J 19-5-98
J. 7 No 20 of 1894-95 put up.
19/5/98.

The original correspondence was ordered with the letter in Serial No 10 of the file is herewith returned. The Jail Code has already been sent to the Press with the file relating to the alteration of the rules etc.

Subd
Sec

Central Jail Press, Bangalore.—26-4-94.—500.

No 794 Bangalore 18th Jany 1895

From

The Inspector General of Prisons

in Mysore

To

The Secretary to the Government of Mysore

General and Revenue Department

Sir,

As requested in your No. 14578 / 1526 x Sl No. 12 dated 13th instant, I have the honor to submit in original the marginally noted correspondence re rules framed under section 5 of Regulation No V of 1894 between the Registrar to the Inspector General of Prisons in Mysore and the Deputy Commissioners Vis

I have the honor to be,

Sir,

Your most Obedient Servant,

Surgeon Lt Colonel,

Inspector General of Prisons

J 1458

14

(General Serial No. 30).

OFFICE OF THE
10231
19-5-98.
DEWAN OF MYSORE
1898

From

The ~~Registrar to the~~

Inspector General of
Prisons in Mysore.

P. 1895
9-94 To
J 17
No —

The Chief Secretary
to the Dewan of Mysore.
Govt
Genl and Revs Depatts

Dated 18th May 1894

Despatched

Received 19 — —

Enclosures No.

General No. 791
J. 7

States that the Superintendent Central Jail reports that the Sentence of death passed on Rajari Linga had not as yet been confirmed by the Chief Court.

J 19.5.98

J 7 No 20 of 1894-95 put up

19/5/98. Rec. 25/5/98

Central Jail Press, Bangalore.—26-4-94.—500.

No. 797

From

Bangalore 18th May 1895

The Inspector General of Prisons

in Mysore

To

The Secretary to the Government of Mysore

General and Revenue Departments

Sir,

Adverting to para 3 of Government Proceed-
-ings No. 14693-94/1511 dated 10th Instant, requesting
to report whether the Sentence of death passed on
Pujari Linga No. 5263 has been confirmed by the
Chief Court and an order for execution has been
received, and if so, what date is fixed for carry-
-ing out the Sentence, I have the honor to state
that the Superintendent Central Jail Bangalore
reports that the Sentence of death passed on
Pujari Linga referred to, has not as yet been

confirmed

× Sl No. 11.

confirmed by the Chief Count.

15

I have the honor to be,

Sir;

Your Most Obedient Servant,

Surgeon Lt. Colonel

Inspector General of Prisons.

(17)

Read

Govt Proc no 14693-94 dy 10 May 1890 F. 1511 issuing instructions as to the liability of certain prisoners confined in the Bangalore Central Jail to be removed & produced before the Sessions Judge Nandidrug for trial and for giving evidence.

16516 dy 27th May 1884
dy 15-84

Letter no 792 dy 10-5-90 from the D.G. of Prisons stating that the sentence of death passed on prisoner Pujari Linga has not yet been confirmed by the Chief Court.

Order thereon.

As the sentence of death passed on Pujari Linga has not yet been confirmed, he may also be produced before the Court of Session for the purpose of giving evidence. The prisoner should be sent under proper escort, so that he may be taken to Court and brought back to Jail with safety and security.

To the D.G. of Prisons.

17 (18)

Read again —
Para 1 of
Govt. Notfn. no. 1095 2d-J. 1125 dy the
23d April 1895- ~~prohibiting~~ the
~~removal from prison of~~ ~~certain~~
classes of prisoners for the purpose
of obtaining their evidence.

15515
91583 dy 27th May 1898.

Read also
Govt. Proc. no. 14693 34 dy 10-May
J. 1511
1898 and subsequent correspondence
on the same subject.

Order thereon.

The attention of the
Dy. Commrs will be limited
to the corresponding Madras
Rule on the subject, which
is contained in clause 17 of
Rule 530 of the Madras Jail
Manual; and he is requested
to ~~direct~~ state his opinion as
to the desirability of adopting
the same with ~~the required~~ slight modi-
fications and to submit a
~~revised~~ draft ~~thereof~~
~~be submitted~~ for the consideration
and approval of Govt.

27/5/98
Indeer

To The Dy Commrs of Prisons with enclr

16 5741/20-7-98 193

From

The Inspector General of Prisons
in Mysore.

19

To

The Secretary to the Govt. of Mysore.

Genl and Revl Depatts

Dated 18th July 1898

Despatched

Received

General No. 81

No. 8

Enclosure No.

Recommends the adoption of the Madras Rule re: exemption made to certain classes of prisoners from the operation of the Prisoners Testimony Act.

20/7/98

References put up with
J.J. 20 of 94-95. & 8.

21/7/98

(19)

No. 81 / P

Bangalore 18th July 1898.

From

The Inspector General of Prisons

in Mysore.

To

The Secretary to the Government of Mysore

-General and Revenue Departments.

Sir,

I have the honor to acknowledge the receipt of the Proceedings of Government No. 15515 / J1583 dated 27th May 1898, drawing attention to the Rule contained in clause 17 of Rule 530 of the Madras Jail Code, and requesting my opinion as to the desirability of adopting the same with slight modification in lieu of the existing Rules contained in para 1 of Government Notification No. 18928 / J1175 dated 23rd April 1895, prohibiting the removal from prison of certain classes of prisoners for the purpose of obtaining their evidence.

2. In

2. In Madras, only State prisoners and prisoners Sentenced to death are exempted — from the operation of the Prisoners Testimony — Regulation, while in Mysore, the following classes of prisoners are exempted.

(a) Prisoners under Sentence of death.

(b) Prisoners under Sentence of transportation for life.

(c) Prisoners of a violent disposition and whose removal may, in the opinion of the Officer in charge of Jail or Lockup, be deemed dangerous.

3. In my opinion there is no need at present to exempt prisoners Sentenced to transportation for life, and those of violent disposition for the reasons given hereunder.

(a) Prisoners Sentenced to transportation for life in Mysore are not transported to the Andamans but are kept in the Bangalore

Sentenced to imprisonment. The Government in para 2 of their Proceedings Dr. 14693-94 / J1511 dated 10th May 1898, pointed out that the exemption intended for in clause b of para 1 of Notification quoted above should not be made applicable to these prisoners but, it should be made applicable only to the persons under Sentence of transportation and for whose deportation to Andamans arrangements have to be made under Section 752 to 769 of the Mysore Jail Manual. As there are no transportation prisoners now confined or likely to be confined in our Jails, who are to be deported to the Andamans, there is no use in allowing exemption to this class of prisoners.

(b) As regards prisoners of violent disposition, the Jail authorities usually draw the attention of the Police as to the character and disposition of such prisoners when they

hand

hand them over to their custody and the Police take Special precaution in escorting them. Hence it is not necessary to exempt this class also.

4. In Madras, State prisoners come under the exempted classes, but as there is no likelihood of this class of prisoners being confined in our Jails, I am to Suggest that the Madras rule on the Subject may be so modified as to limit the exemption only to prisoners under Sentence of death, and adopted in this Province also.

5. A draft Notification is herewith Submitted for the consideration and approval of Government.

I have the honor to be,

Sir,

Your Most Obedient Servant,

Surgeon Lt Colonel

Inspector General of Prisons.

Draft Notification

19

The Government of ~~Her Highness the Dowager Regent of~~ Mysore directs that the following be substituted for Para 1 of Government Notification No. 18928-J 1175 dated 23rd April 1895.

See No (4) of Jt. 20 of 94-95

"Under the provisions of Section 8 of Regulation V of 1894, (A Regulation to provide facilities for obtaining the evidence and appearance of prisoners and for Service of processes upon them) the Government of Mysore is pleased to direct that no prisoner under Sentence of death shall be removed from the prison in which he may be confined without the Special Sanction of Government.

Provided that such prisoner may be removed from prison without such Sanction, if his presence is required by a Sessions or Chief Court and for the purpose of taking additional

evidence

evidence in the case under Section 428 of the —
Code of Criminal Procedure, 1882."

18-7-98

No: 1739 dated 3-8-98.

Notifn (20)

In supersession of para 1 of Notifn No 1092-S-J. 1175- of the 23rd April 1895, the post of Mysore is pleased, under s. 8 of the 'Prisoners' Detention Regulation, 1894, to direct that no prisoner under sentence of death shall be removed from the prison in which he may be confined without the special sanction of Government:

Provided that any such prisoner may be removed from the prison without such sanction, if his presence is required by a Sessions Court or by the Chief Court and for the purpose of taking additional evidence in the case under Section 428 of the Code of Criminal Procedure, 1882.

27/7/98

27-7-98

To The Compiler Messrs Lazelle & Co in publishing, with the Code of Criminal Procedure, Act 50 of 1882, be sent to him in Mysore.

Copy of the S. & of Prisons in Mysore for information with reference to his letter No 84 of the 10th July 1898.

Secy

No: 1740 dated 3-8-98.

Later References-
File B. 167-10 Serial nos. 1 to 2.

Serial No 13

Sealed Brought
27-7-98
9385 office
Sent
27.7.98
Received
28-7-98

Despatched